United Nations A/71/L.53*

General Assembly

Distr.: Limited
20 December 2016

Original: English

**Seventy-first session**
Agenda item 128
**International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

**Draft decision submitted by the President of the General Assembly**

## International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly, having considered the letters dated 11 November 2016 from the Secretary-General to the President of the Assembly[1] and the President of the Security Council,[2] transmitting a letter dated 4 November 2016 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and taking note of the letter from the President of the Council, dated 19 December 2016, drawing the attention of the President of the Assembly to the text of Council resolution 2329 (2016) of 19 December 2016,[3]

(a) Reiterates its request to the International Tribunal to complete its work and facilitate the closure of the Tribunal as expeditiously as possible with the aim of completing the transition to the International Residual Mechanism for Criminal Tribunals (the Mechanism) and, in the light of resolution 1966 (2010), to redouble its efforts to review its projected case completion dates, with a view to shortening them as appropriate, and to prevent any additional delays;

(b) Takes note of the commitment of the Tribunal to complete its judicial work no later than 30 November 2017;

(c) Also takes note of the request of the President of the Tribunal for a final extension of the terms of office of the permanent judges of the Tribunal, until

* Reissued for technical reasons on 22 December 2016.
[1] A/71/614.
[2] S/2016/959.
[3] A/71/699.



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30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner, and strongly emphasizes that the following extensions and reappointment should be final:

(d) Decides, under this condition:

(i) To extend the terms of office of the following permanent judges of the Tribunal, who are members of the Trial Chamber and the Appeals Chamber, until 30 November 2017 or until the completion of the cases to which they are or will be assigned, if sooner:

Carmel A. Agius (Malta)
Liu Daqun (China)
Christoph Flügge (Germany)
Theodor Meron (United States of America)
Bakone Melema Moloto (South Africa)
Alphonsus Martinus Maria Orie (Netherlands)
Fausto Pocar (Italy)

(ii) To take note of the reappointment of Mr. Serge Brammertz as Prosecutor of the Tribunal, notwithstanding the provisions of article 16, paragraph 4, of the statute of the Tribunal related to the length of the term of office of the Prosecutor, for a term with effect from 1 January 2017 until 30 November 2017, which is subject to earlier termination by the Security Council upon the completion of the work of the Tribunal;

(e) Also decides to extend the term of office of Judge Carmel Agius as President of the Tribunal until 31 December 2017 or until one month after the completion of the cases referred to in paragraph (d) above, if sooner;

(f) Underlines that States should cooperate fully with the Tribunal, as well as with the Mechanism;

(g) Commends the Office of Internal Oversight Services of the Secretariat for the evaluation and recommendations made pursuant to resolution 2256 (2015), issued in the report of the Office on its evaluation of the methods and work of the Tribunal,[4] and encourages the Tribunal to continue to report on its implementation in its next six-monthly report to the Council on progress towards implementation of the Tribunal completion strategy, without prejudice to the primacy given to the completion of its work;

(h) Welcomes the adoption of the Code of Professional Conduct for the Judges of the Tribunal, and emphasizes the importance of developing a disciplinary mechanism for judges.

[4] A/70/873-S/2016/441.